

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

CIVIL ACTION NO.: 5:14-CV-00178-H

GUSTAVO ROMANELLO,	)	
	)	
Plaintiff,	)	
vs.	)	<b>DEFENDANT BANKUNITED, N.A.'S</b>
	)	<b>MOTION TO DISMISS</b>
BANKUNITED, N.A.	)	
	)	
Defendant,	)	
_____	)	

Now Comes Defendant BankUnited, NA (BankUnited), by and through its undersigned counsel, and moves the Court to dismiss the claims alleged in the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for Failure to State a Claim upon which relief can be granted. Specifically, Plaintiff's claim under the Fair Credit Reporting Act fails to allege facts sufficient to survive this motion under Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 127 S.Ct. 1955 (2007) and Ascroft v. Iqbal, 556 U.S. 662, 127 S. Ct. 1937 (2009).

This the 19<sup>th</sup> day of May, 2014

**YATES, MCLAMB & WEYHER, LLP**

/s/ Sean T. Partrick  
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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: NONE, and I hereby certify that I have mailed the document to the following non CM/ECF Participants:

Gustavo Romanello  
5317 Cottage Bluff Lane  
Knightdale, NC 27545  
*Plaintiff Pro Se*

This the 19<sup>th</sup> day of May, 2014

**YATES, MCLAMB & WEYHER, LLP**

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